

REMARKS

In the Office Action dated January 5, 2007, claims 1-9, 12-22, 25, and 26 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,603,977 (Walsh); and claims 5-9, 12, 13, 18-22, 25, and 26 were rejected under § 103 over Walsh in view of U.S. Patent No. 6,879,835 (Greene); and claims 10, 11, 23, and 24 were rejected under § 103 over Walsh in view of U.S. Patent No. 6,714,778 (Nykanen).

It is respectfully submitted that claim 1 is not anticipated by Walsh. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single, prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987). Here, it is clear that Walsh does not disclose each and every element of claim 1.

As a first note, the rejection of claim 1 is defective in that the rejection failed to specifically identify what component in Walsh constitutes the “radio unit” recited in claim 1. The Office Action identified wireless communication device 104 (of Walsh) as being the terminal equipments of claim 1, the location information system 102 (of Walsh) as being the local administration server of claim 1, communication channel 124 between the location information system 102 and the wireless communication device 104 as being the first communication interface of claim 1, and the communication channel 126 between the wireless communication device 104 and the wireless communication network 106 as being the second communication interface of claim 1.

However, the Office Action failed to identify what in Walsh corresponds to the following claim 1 elements: radio unit, module for identifying a subscription to the cellular network, and means for transferring multiple user streams between the cellular network and the respective terminal equipments through the radio unit and within the framework of the subscription identified by the module. In fact, the Office Action mis-paraphrased the language of claim 1, citing to the language of original claim 1, not to the language of amended claim 1 as amended in the Amendment filed with the RCE on October 10, 2006.

Importantly, it is noted that the radio unit of claim 1 includes a first communication interface with the terminal equipments, and a second radio communication interface with a cellular network. By identifying communication channel 124 as being the first communication

interface, and the communication channel 126 as being the second communication interface, the Office Action appears to have equated the wireless communication device 104 to also be the radio unit of claim 1. Thus, according to the rejection in the Office Action, the wireless communication device 104 constitutes both the terminal equipments of claim 1 and the radio unit of claim 1. This reading is clearly inconsistent with the language of claim 1, which explicitly states that the radio unit comprises a first communication interface *with the terminal equipments*. If the radio unit and terminal equipments are both considered to be element 104 in Fig. 1, then the above language of claim 1 clearly cannot be satisfied by Walsh.

Due to the defective application of the claim language onto the teachings of Walsh, it is respectfully submitted that the anticipation rejection is defective.

Even more fundamentally, the rejection is defective because Walsh clearly fails to disclose a radio unit that has a module for identifying a subscription to the cellular network and means for transferring *multiple* user streams between the cellular network and the respective terminal equipments through the radio unit and *within the framework of the subscription identified by the module*. If the wireless communication device 104 (which is an individual end user device) is considered to be the radio unit, then this wireless communication device clearly cannot include a module for identifying a subscription to the cellular network *and* means for transferring *multiple user streams* between the cellular network and the respective terminal equipments through the radio unit and within the framework of the subscription identified by the module. Each wireless communication device 104 is an individual end user device, such as a cellular phone or PDA. Such an individual wireless communication device cannot support the transfer of multiple user streams between a cellular network *and respective terminal equipments* within a framework of *the* subscription identified by the module.

The location information system 102 also clearly does not include a module for identifying a subscription to the cellular network, nor does the location information system 102 of Walsh include means for transferring multiple user streams between the cellular network and the respective terminal equipments within the framework of the subscription identified by the module.

In view of the fact that Walsh does not disclose various elements of claim 1, it is respectfully submitted that claim 1 is not anticipated by Walsh.

The other cited references (Greene and Nykanen) also fail to disclose or suggest the elements of claim 1 missing from Walsh. For example, as depicted in Fig. 2 of Greene, it is clear that the mobile devices 30-32 communicate directly with the communication network 100, without any need of an intermediate radio unit. In other words, in Greene, each mobile device 30-32 exchanges *single user* streams with the communication network 100. Moreover, it is clear that each device 30-32 of Greene has its own subscription and direct communication means with the communication network 100 (see Figure 2)—therefore, Greene does not teach or suggest a radio unit that has a module for identifying a subscription to the cellular network and means for transferring *multiple* user streams between a cellular network and the respective terminal equipments within the framework of *the* subscription to the cellular network identified by the module of the radio unit. Therefore, the hypothetical combination of Walsh and Greene would not teach or suggest all elements of claim 1, and thus, a *prima facie* case of obviousness cannot be established with respect to claim 1 over the teachings of Walsh and Greene. See M.P.E.P. § 2143 (8th ed., Rev. 5), at 2100-126.

Nykanen in Fig. 1 discloses a radio tower 114 to enable communication between a wireless device 100 and a wireless network 116—however, there is absolutely no teaching or suggestion that either the wireless device 100 or the radio tower 114 includes a module for identifying a subscription to the cellular network and means for transferring *multiple* user streams between the cellular network and the respective terminal equipments through the radio unit and *within the framework of the subscription identified by the module*, as recited in claim 1. Therefore, the hypothetical combination of Walsh and Nykanen would also not teach or suggest all elements of claim 1. A *prima facie* case of obviousness can thus not be established with respect to claim 1 over Walsh and Nykanen.

Independent claim 14 is also not anticipated by Walsh for similar reasons as claim 1. Note that the form of claim 14 has been amended to express elements of the method in gerund form. The substance and scope of claim 14 has not been changed by this amendment. Similarly, the amendments of claims 20-26 also do not change the substance and scope of those claims. Also, for similar reasons as stated above for claim 1, claim 14 is also non-obvious over hypothetical combinations of Walsh and Greene or Walsh and Nykanen.

Dependent claims, including newly added claims 27 and 28, are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims over Walsh, it is respectfully submitted that the obviousness rejections of dependent claims over Walsh and other references have also been overcome.

Newly added independent claim 29 is also not anticipated by Walsh or rendered obvious by Walsh and Greene or Nykanen. The cited references, either alone or in combination with each other, do not disclose or suggest a radio unit that includes a subscriber identification module and control module as recited in claim 29. Therefore, claim 29 and its dependent claims 30-32 are allowable over the cited references.

Newly added claims 33-37 are also allowable for at least similar reasons as claim 29.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (MTR.0054US).

Respectfully submitted,

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